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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL GRECCO
PRODUCTIONS, INC. d/b/a
MICHAEL GRECCO
PHOTOGRAPHY, INC.,

Plaintiff,

v.

MISE DESIGN GROUP LLC; and
DOES 1 through 10 inclusive,

Defendant.

Case No. _____

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**
DEMAND FOR A JURY TRIAL

FILED
MAY 22 2019
By KATE BARKMAN, Clerk
Dep. Clerk

Plaintiff Michael Grecco alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States 17 U.S.C. § 101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant conducts business and/or resides within the Commonwealth of Pennsylvania, Defendant's acts of infringement complained of herein occurred

in Pennsylvania, and Defendant caused injury to Plaintiff within Pennsylvania.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant resides and has a regular and established place of business in this judicial district.

PARTIES

5. Plaintiff Michael Grecco Productions, Inc. (“MGP” or “Plaintiff”) is a professional media and photography company incorporated in the state of California run by renowned celebrity photographer Michael Grecco (“Grecco”).

6. Defendant, Mise Design Group, LLC (“Defendant”) is a Pennsylvania limited liability corporation with a principle place of business at: 657 Tanglewood Court Pottstown, Pennsylvania 19464.

7. Defendant, “Mise Designs is a commercial kitchen, design, supply and operations consulting firm founded by a classically trained professional chef.” *See* <https://www.misedesigns.com/about-our-firm/>.

8. On information and belief, Defendant is the owner and operator of the website, <https://www.misedesigns.com/> (“Website”), which maintains a blog on the site to attract potential clients for their services and generate revenue for the business.

9. Plaintiff is unaware of the true names and capacities of the

Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, "Defendant" shall mean all named Defendants and all fictitiously named Defendants.

10. For the purposes of this Complaint, unless otherwise indicated, "Defendants" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendants named in this caption.

FACTUAL ALLEGATIONS

11. MGP's principal, Michael Grecco, is an award-winning commercial photographer and film director noted for his iconic celebrity portraits, innovative magazine covers, editorial images and advertising spreads for such companies such as NBC/Universal, GE, Pfizer, HBO, Kodak, ABC, IBM, Yahoo!, ESPN, Wired, Time, Entertainment Weekly, Esquire, Premier, and MAXIM. His work is regularly featured in prestigious galleries around the world.

12. MGP is the sole author and rights holder to an original photograph

of Julia Child (the “Image”), a true and correct copy of which is attached hereto as Exhibit A.

13. MGP registered the Image with the United States Copyright Office under registration number VAu 1-058-559.

14. On or about August 11, 2017, Plaintiff discovered that Defendant was using the Image on its Website in a post about best chefs (“the Infringing Post”). A true and correct screenshot of the Infringing Post is attached hereto as Exhibit B.

15. MGP never gave Defendant permission to use the image in any manner, including but not limited to posting the Image on its Website.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 U.S.C. § 101 *et seq.*

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff’s unique and original Image.

18. Plaintiff is informed and believes and thereon alleges that said Defendants willfully infringed upon Plaintiff’s copyrighted Image in violation of Title 17 of the U.S. Code, in that it used, published communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Image of the Plaintiff without

Plaintiff's consent by using it in the Infringing Article on Defendant's Website.

19. As a result of each and every Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

20. As a result of the Defendants' violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

21. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For statutory damages against Defendant in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- For general and special damages against Defendant according to proof together with interest thereon at the maximum legal rate;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- For any other relief the Court deems just and proper.

Exhibit “A”



Exhibit “B”

Secure https://www.misedesigns.com/best-chefs/ (484) 524-4526 info@misedesigns.com


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received the award for The Best Chef Of California in 1996. The Best Chef Of America in 1997 and many more awards to date. Currently he owns many French-Style restaurants, most notable among them are The French Laundry (Michelin Guide 3 star rating), Per Se (MG 3 star rating), Bouchon (MG 1 star rating) and several others.



Julia Child



Often imitated but never duplicated, she is probably the most famous female chef of all time. She is well known for bringing French Cuisine to America through her book *Mastering The Art Of French Cooking*. Followed by her TV-Show, premiering in 1963, *The French Chef*. She began her career as a copywriter and also worked at Office Of Strategy Services as a typist during the World War II. Her hard-work bagged a

National Book Award in 1979 for her book *Julia Child And More Company*. In 1981 she founded the American School Of Wine & Food. In her final years of life, she had been awarded the French League of Honour, the U.S Presidential Medal Of Freedom and an Honorary Doctorate from Harvard University Johnson & Wales University as well as other accolades from many other universities.

Heston Blumenthal



An English chef, best known for his advances in molecular gastronomy. Is also a celebrity and owner of restaurant The

clients codes
coffee shop
commercial kitchen
consultant design
design team
development
equipment exhaust
food cost guidelines
haccp plan
health department
hotel kitchen location
menu plumbing
refrigeration restaurant
restaurant kitchen
small kitchen

ARCHIVES

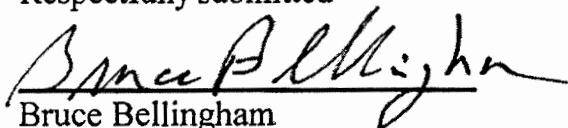


DEMAND FOR A JURY TRIAL

Plaintiff, Michael Grecco Productions, Inc., hereby demands a trial by jury in the above matter.

Dated: May 22, 2019

Respectfully submitted



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